

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
06-CV-1446 (JMR/FLN)

G. Bradford Merkl )  
 )  
 v. ) ORDER  
 )  
Timothy T. Pendelton et al. )

Plaintiff objects to the Report and Recommendation, issued April 20, 2007, by the Honorable Franklin L. Noel, United States Magistrate Judge. The Report recommended granting defendants' motions to dismiss, and denying plaintiff's motion for default judgment. Plaintiff's objections to the Report were timely filed, pursuant to Local Rule 72.1(c)(2).

Based upon a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation [Docket No. 70]. Accordingly, IT IS ORDERED that:

1. Winona County defendants' motion to dismiss [Docket No. 27] is granted.
2. Defendant Joerg's motion to dismiss [Docket No. 34] is granted.
3. Defendant Pendleton's motion to dismiss [Docket No. 40] is granted.
4. Plaintiff's motion for default judgment [Docket No. 54] is denied.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 19, 2007

s/ James M. Rosenbaum  
JAMES M. ROSENBAUM  
United States Chief District Judge